

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

2018 NOV -8 PM 3:50

*[Signature]*  
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UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 KRYSTAL WHITCOMB, )  
 SHAWN WHITCOMB, and )  
 MICHAEL HAYES a.k.a. "Mo," )  
 Defendants )

Crim. No.: 2:18-CR-123-1-2-3

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT 1

From in or about July 2018 through in or about October 2018, in the District of Vermont and elsewhere, the defendant, KRYSTAL WHITCOMB, knowingly possessed firearms, including a Hi-Point .380 caliber handgun with serial number P885297, a Hi-Point .40 caliber handgun with serial number X7261449, and a Ruger .38 Special revolver with serial number 545-28166, in furtherance of a drug trafficking crime for which she may be prosecuted in a court of the United States, that is, conspiracy to distribute heroin and fentanyl, as charged in Count 2.

(18 U.S.C. § 924(c)(1)(A))

COUNT 2

From in or about July 2018 through in or about October 2018, in the District of Vermont and elsewhere, the defendants, KRYSTAL WHITCOMB and SHAWN WHITCOMB, knowingly and willfully conspired together and with others, known and unknown to the grand jury, to distribute heroin, a schedule I controlled substance, and fentanyl, a schedule II controlled substance.

(21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 846)

COUNT 3

In or about October 2018, in the District of Vermont and elsewhere, the defendants, KRYSTAL WHITCOMB and MICHAEL HAYES, a.k.a. "Mo," knowingly and willfully conspired to unlawfully possess ammunition, in violation of 18 U.S.C. § 922(g)(1) and 18 U.S.C. § 922(g)(3).

Object of the Conspiracy

It was the object of the conspiracy that the defendants would obtain and possess ammunition, although defendant KRYSTAL WHITCOMB was prohibited from possessing ammunition because she was an unlawful user of and a person addicted to a controlled substance, in violation of 18 U.S.C. § 922(g)(3), and although defendant MICHAEL HAYES, a.k.a. "Mo," was prohibited from possessing ammunition because he had been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. § 922(g)(1).

Manner and Means

As part of the conspiracy, in or about October 2018, the defendants traveled to a Walmart in Littleton, New Hampshire, purchased ammunition at the Walmart, and transported the ammunition to Vermont.

Overt Act

In furtherance of the conspiracy, the defendants committed, or caused to be committed, the following overt act in the District of Vermont:

1. On or after October 11, 2018, the transportation of ammunition from New Hampshire into Vermont.

(18 U.S.C. § 371)

COUNT 4

On or about October 14, 2018, in the District of Vermont, the defendant, SHAWN WHITCOMB, then being an unlawful user of and addicted to a controlled substance as defined in 21 U.S.C. § 802, knowingly possessed in and affecting interstate commerce ammunition.

(18 U.S.C. §§ 922(g)(3), 924(a)(2))

COUNT 5

On or about July 12, 2018, in the District of Vermont, defendant SHAWN WHITCOMB knowingly and intentionally distributed heroin, a Schedule I controlled substance.

(21 U.S.C. §§ 841(a)(1), (b)(1)(C))

COUNT 6

On or about July 16, 2018, in the District of Vermont, defendant SHAWN WHITCOMB knowingly and intentionally distributed heroin, a Schedule I controlled substance.

(21 U.S.C. §§ 841(a)(1), (b)(1)(C))

COUNT 7

On or about July 19, 2018, in the District of Vermont, defendant SHAWN WHITCOMB knowingly and intentionally distributed heroin, a Schedule I controlled substance.

(21 U.S.C. §§ 841(a)(1), (b)(1)(C))

COUNT 8

On or about August 14, 2018, in the District of Vermont, defendant SHAWN WHITCOMB knowingly and intentionally distributed heroin, a Schedule I controlled substance.

(21 U.S.C. §§ 841(a)(1), (b)(1)(C))

COUNT 9

On or about September 6, 2018, in the District of Vermont, defendant SHAWN WHITCOMB knowingly and intentionally distributed heroin, a Schedule I controlled substance.

(21 U.S.C. §§ 841(a)(1), (b)(1)(C))

COUNT 10

On or about October 10, 2018, in the District of Vermont, defendant KRYSTAL WHITCOMB knowingly and intentionally distributed heroin, a Schedule I controlled substance, and fentanyl, a Schedule II controlled substance.

(21 U.S.C. §§ 841(a)(1), (b)(1)(C))

FORFEITURE NOTICE

1. The allegation contained in Count Two of this Second Superseding Indictment is realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 21 U.S.C. § 853.

2. Pursuant to 21 U.S.C. § 853, upon conviction of an offense in violation of 21 U.S.C. §§ 841(a)(1), 846, defendants KRYSTAL WHITCOMB and SHAWN WHITCOMB shall forfeit to the United States any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses. The property to be forfeited includes, but is not limited to:

- a. Approximately \$22,000 in United States currency;
- b. Coins from 2394 Duck Pond Road, Waterford, Vermont; and
- c. Precious metals from 2394 Duck Pond Road, Waterford, Vermont.

3. If any forfeitable property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

the United States shall be entitled to forfeiture of substitute property pursuant to  
21 U.S.C. § 853(p).

(21 U.S.C. § 853)

A TRIE RII I

[REDACTED]  
FOREPERSON

*Christina E. Nolan / JJB*

CHRISTINA E. NOLAN (JJB)  
United States Attorney  
Burlington, Vermont  
November 8, 2018